IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Group Art Unit: licants: Proctor et al. 2631 Application No.: 09/783,151 Examiner: Unknown Date Filed: Confirmation No.: 02/14/2001 Title: METHOD AND APPARATUS FOR SPREADING SYMBOLS IN A COMMUNICATION SYSTEM CERTIFICATE OF MAILING I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. Box 1450 ALEXANDRIA, VA, 22313-1450 ON: February 11, Date of Deposit MOTOROLA INC Name of Assignee FEB 2 0 2004 INFORMATION DISCLOSURE STATEMENT (IDS) **Technology Center 2600** Commissioner For Patents Alexandria, VA 22313 SIR: In accordance with 37 C.F.R. §1.56 and in compliance with 37 C.F.R. §§1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are for consideration by the United States Patent and Trademark Office. Pursuant to the Office waiving the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC §371 after June 30, 2003, copies of the reference are not submitted herewith. I. a.🏻 A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith. b.□ Any patents, publications or other information which are listed on PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. §120: U.S. Serial Number U.S. Filing Date

CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

that is not in the English language is as follows:

CROSS REFERENCE TO RELATED APPLICATION(S)

information are in the English language (concise explanation not required).

attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. §122.

Filing Date

The following additional information is provided for the Examiner's consideration:

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's

Except as may be indicated below in (b) of this section, all of the patents, publications or other

A concise explanation of the relevance of all patents, publications or other information listed

Art Unit

II.

b. 🗍

c. 🔲

Serial No.

		Applicat	ion No.	Applicant(s)		
Office Action Summary		09/666,1		VAN DYKE ET AL.		
		Examine		Art Unit		
	•	Richard		2183		
•	- The MAILING DATE of this commun					
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)	Responsive to communication(s) filed on					
	This action is FINAL . 2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-72</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) 1-4,8-14,18-22,24-36,38-44,46,49,52-63 and 65-72 is/are rejected.						
7) Claim(s) <u>5-7,15-17,23,37,45,47,48,50,51 and 64</u> is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment	(s)		•			
1) Notice	of References Cited (PTO-892)		4) Interview Summar	y (PTO-413)		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)						
	No(s)/Mail Date <u>2,5,6</u> .	. 10/06/00)	6) Other:			
S. Patent and Tra	Idemark Office			· · · · · · · · · · · · · · · · · · ·		



- 1. Claims 1-72 presented for examination.
- 2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.
- 3. Claim 26 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - 3.1. The scope of meaning of the following terms are unclear:
 - 3.1.1. "designed to process the RISC instructions independently a point within a recipe of a CISC instruction at which the RISC instruction was generated" claim 26; From the wording of this portion of the claim, it appears that one or more words may have been omitted between the words "independently a".
- 4. The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. The following is a quotation of 35 USC § 103 which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
 - (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.
- This application currently names joint inventors. In considering patentability of the claims under 35 USC § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 USC § 102(f) or (g) prior art under 35 USC § 103.
- 7. Claim 1 is rejected under 35 USC § 102(b) as being clearly anticipated by Blomgren et al., U.S. Patent 5,685,009, incorporating by reference Blomgren et al., U.S. Patent 5,781,750 at col. 3 lines 43-47.

Blomgren et al. (009) and Blomgren et al. (750) were cited in applicant's information